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8 **UNITED STATES DISTRICT COURT**  
9 **EASTERN DISTRICT OF CALIFORNIA**  
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11 JUAN MEDINA,

12 Petitioner,

13 v.

14 SUPERIOR COURT OF CALIFORNIA, et  
15 al.,

16 Respondents.

Case No. 1:18-cv-01450-SAB-HC

ORDER TRANSFERRING CASE TO THE  
UNITED STATES DISTRICT COURT FOR  
THE CENTRAL DISTRICT OF  
CALIFORNIA

17 Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus  
18 pursuant to 28 U.S.C. § 2254.

19 When a state prisoner files a habeas petition in a state that contains two or more federal  
20 judicial districts, the petition may be filed in either the judicial district in which the petitioner is  
21 presently confined or the judicial district in which he was convicted and sentenced. See 28  
22 U.S.C. § 2241(d); Rumsfeld v. Padilla, 542 U.S. 426, 442 (2004) (quoting Carbo v. United  
23 States, 364 U.S. 611, 618 (1961)). Petitions challenging the execution of a sentence are  
24 preferably heard in the district where the inmate is confined. See Dunne v. Henman, 875 F.2d  
25 244, 249 (9th Cir. 1989). Petitions challenging convictions or sentences are preferably heard in  
26 the district of conviction. See Laue v. Nelson, 279 F. Supp. 265, 266 (N.D. Cal. 1968). Section  
27 2241 further states that, rather than dismissing an improperly filed action, a district court, “in the  
28 exercise of its discretion and in furtherance of justice may transfer” the habeas petition to another

1 federal district for hearing and determination. 28 U.S.C. § 2241(d); see also 28 U.S.C. § 1404(a)  
2 (court may transfer any civil action “to any other district or division where it might have been  
3 brought” for convenience of parties or “in the interest of justice”).

4 Here, Petitioner challenges a criminal judgment from the Santa Barbara County Superior  
5 Court. Therefore, venue is proper in the district of conviction, which is the Central District of  
6 California. Accordingly, IT IS HEREBY ORDERED that this action is transferred to the United  
7 States District Court for the Central District of California.

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9 IT IS SO ORDERED.

10 Dated: **October 23, 2018**

  
UNITED STATES MAGISTRATE JUDGE